

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

-against-

MICHAEL PEARSE,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
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15 Cr. 616-4 (AT)

ORDER

On October 20, 2021, Defendant, Michael Pearse, was sentenced to a term of imprisonment of 109 months following his guilty plea to conspiracy to commit wire fraud in violation of 18 U.S.C. § 3149. ECF No. 854. Defendant's sentencing guidelines range was 97 to 121 months based on an offense level of 30 and a criminal history category of I. ECF No. 869 at 6:17-21. The Bureau of Prisons currently projects that Defendant will be released from prison on September 15, 2026. ECF No. 929 at 1.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission ("Sentencing Commission") amended the United States Sentencing Guidelines Manual. As relevant here, Part B amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023. Defendants whose requests are granted by the courts can be released from prison no earlier than February 1, 2024.

By motion dated November 16, 2023, Defendant *pro se* seeks a sentence reduction under Amendment 821. ECF No. 926. Pursuant to the standing order of the Chief Judge of this District, the Court reappointed Florian Miedel (CJA) to represent Defendant in the Court's consideration of whether Defendant's sentence should be modified in light of Amendment 821. ECF No. 927. On January 10, 2024, Defendant filed a supplement to his initial motion. ECF No. 930. The Probation Department has issued a report indicating that Defendant is eligible for a reduction. ECF No. 929 at 3.

Accordingly, by **February 2, 2024**, the Government shall state its position as to Defendant's motion. By **February 16, 2024**, Defendant shall file his response, if any.

SO ORDERED.

Dated: January 11, 2024
New York, New York



ANALISA TORRES
United States District Judge